PART IV

Section 2-C—(i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

GENERAL ADMINISTRATION SECRETARIAT.

NOTIFICATION.

Bangalore, dated the 10th June 1965.

G.S.R. 558.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Mysore hereby makes the following Rules, namely :—

1. Title and Commencement.—(1) These rules may be called the Mysore State Vigilance Commission Rules, 1965.

(2) These rules except rules 8 and 9 shall be deemed to have come into force on the 11th February 1965, and rules 8 and 9 shall come into force on the date of publication of these rules in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires—

(*a*) "Vigilance Commission" means the State Vigilance Commission constituted under these rules.

(*b*) "Vigilance Commissioner" means the State Vigilance Commissioner appointed under these rules.

(2) All other expressions used in these rules shall have the meanings respectively assigned to them in the

Mysore Civil Services (Classification, Control and Appeal) Rules, 1957.

(3) The General Clauses Act, 1897 (Central Act 10 of 1897) applies for the interpretation of these rules as it applies for the interpretation of a Central Act.

3. Constitution of the State Vigilance Commission.— (1) There shall be a Vigilance Commission for the State of Mysore which shall consist of a Vigilance Commissioner, a Directorate of Vigilance headed by a senior officer of the Indian Administrative Service and a Bureau of Investigation headed by a Police Officer of the Indian Police Service of the rank of a Deputy Inspector-General of Police.

(2) The appointment of the Vigilance Commissioner shall be made by the Governor, and the appointment of the Heads of the Directorate of Vigilance and Bureau of Investigation shall be made by the State Government in consultation with the Vigilance Commissioner.

(3) The Vigilance Commissioner shall be the chief executive authority of the Commission and shall be responsible for the proper performance of the duties and responsibilities assigned to the Commission and for generally co-ordinating the work of and advising the different Departments and Undertakings of the Government, in respect of all matters pertaining to the maintenance of integrity in the administration.

4. Conditions of Service of the Vigilance Commissioner :-
(1) The State Vigilance Commissioner shall hold office for a period of five years from the date of his appointment:

Provided that the Vigilance Commissioner may, by writing under his hand, addressed to the Governor, resign his office.

(2) A person shall not be qualified for appointment as Vigilance Commissioner unless he is a citizen of India and has held high judicial or administrative office.

(3) The Vigilance Commissioner shall be paid a consolidated salary of rupees three thousand and five hundred per mensem.

(4) The Vigilance Commissioner shall be entitled to grant of leave, leave salary, travelling and other allowances in accordance with the provisions of the Mysore Civil Services Rules.

(5) The Vigilance Commissioner shall be entitled to facilities for medical treatment and accommodation in hospitals in accordance with the provisions of the Mysore Government Servants (Medical Attendance) Rules, 1963.

(6) (a) Subject to the provisions of clause (b), the Vigilance Commissioner shall only be removed from his office by order of the Governor on the ground of misbehaviour, after a Judge of the High Court appointed by the Governor for the purpose has, on enquiry held in this behalf, reported that the Vigilance Commissioner ought on any such ground to be removed.

(b) Notwithstanding anything contained in clause (a), the Governor may by order remove from office the Vigilance Commissioner, if he.—

(i) is adjudged an insolvent; or

(ii) engages during his term of office in any paid employment outside the duties of his office; or

(iii) is, in the opinion of the Governor unfit to continue in office by reason of infirmity of mind or body.

(c) If the Vigilance Commissioner is or becomes in any way concerned with or interested in any contract or agreement made by or on behalf of the Government of India or a State Government or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with other members of an incorporated company, he shall, for purposes of clause (a), be deemed to be guilty of misbehaviour.

(7) On ceasing to hold office, the Vigilance Commissioner shall be ineligible for furher employment under the State Government or for holding any political or public office in the State of Mysore.

5. Powers and Functions of the Vigilance Commission.—The Vigilance Commission shall have jurisdiction and powers in respect of matters to which the executive powers of the State extends, to—

(*a*) undertake an inquiry into any transaction in which a Government Servant is suspected or alleged to have acted for an improper purpose or in a corrupt manner ;

(*b*) cause an inquiry or an investigation to be made into—

(i) any complaint that a Government servant had exercised or refrained from exercising his powers for improper or corrupt purposes ;

(ii) any complaint of corruption, misconduct, lack of integrity or any other kind of malpractice or misdemeanour on the part of a Government servant ; or

(iii) any complaint relating to any act or omission or administrative procedure or practice on the ground that it is unreasonable, unjust, oppressive or improperly discriminatory ;

(*c*) initiate from time to time review of procedures and practices of administration in so far as they relate to maintenance of integrity in the administration.

(*d*) collect such statistics and other information as may be necessary for the discharge of its functions ; and

(*e*) call for any information from the Departments of Government or Government Undertakings or any Government servant on any matter in respect of which the Vigilance Commission has jurisdiction.

6. Procedure of the Commission.—(*a*) Any complaint against a Government Servant in respect of any matter

referred to in clause (*a*) or clause (*b*) of Rule 5, received by the Vigilance Commission, or which may come to its notice in any manner, may, if in the opinion of the Commission such complaint requires investigation, cause the matter to be investigated by the Bureau of Investigation.

(2) The report of every investigation by the Bureau of Investigation shall be considered by the Vigilance Commission, and taking into consideration the circumstances of the case, the Vigilance Commission may —

(*a*) advise the appropriate authority to prosecute the Government Servant concerned ; or

(*b*) advise the appropriate authority to take disciplinary proceedings against the Government Servant concerned ; or

(*c*) advise the appropriate authority that no action may be taken against the Government Servant concerned.

7. Annual Report.— The Vigilance Commission shall present annually to the Governor a report as to the work done by the Vigilance Commission, and the Governor shall, on receipt of such report, cause a copy thereof together with a memorandum explaining, as respects the cases, if any, where the advice of the Vigilance Commission was not accepted and the reasons for such non-acceptance, to be laid before the Legislature of the State.

8. Amendment to the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957.— In the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, for Rule 14-A, the following Rule shall be substituted, namely :—

"**14-A. Special Procedure in Certain Cases**

(1) The following provisions shall, notwithstanding anything contained in Rules, 9, 10, 11 and 13, be applicable for purposes of proceedings against Government Servants whose alleged misconduct has been investigated into by the Vigilance Commission either *Suo-motu* or on a reference from Government or from any other authority *viz.*,

(*a*) where on investigation into any allegation against—

(*i*) a member of the State Civil Services Class I or II ; or

(*ii*) a member of the State Civil Services Class I or II and a member of the State Civil Services Class III or IV ; or

(*iii*) a member of the State Civil Services Class III or IV in respect of an allegation of a serious nature ;

the Vigilance Commission is of the opinion that disciplinary proceedings shall be taken, it shall forward the record of investigation along with its recommendations to the Government, and the Government, after examining such records, may either direct an inquiry into the case by the Vigilance Commission or direct the appropriate disciplinary authority to take action in accordance with Rule 12 ;

(*b*) where the Vigilance Commission is directed to hold an inquiry into a case under Clause (a), the inquiry may be conducted either by the Vigilance Commissioner or by an officer of the Directorate of Vigilance authorised by the Vigilance Commissioner to conduct the inquiry:

Provided that the inquiry of a case relating to a Government Servant shall not be conducted by an officer lower in rank than that of such Government Servant :

Provided further that the inquiry of a case relating to a Government Servant not lower in rank than that of Deputy Commissioner shall not be conducted by any person other than the Vigilance Commissioner or the head of the Directorate of Vigilance ;

(*c*) The Vigilance Commisioner or the officer authorised to conduct the inquiry under Clause (b) shall conduct the inquiry in accordance with the provisions of sub-rules (2), (3), (4), (5), (6) and (7) of Rule 11 and for the purpose of such inquiry shall have the powers of the specially empowered authority referred to in the said rule ;

(*d*) After the inquiry is completed the records of the case with the findings of the inquiring officer and the recommendations of the Vigilance Commissioner shall be sent to the Government ;

(*e*) On receipt of the records under clause (d), the Government shall take action in accordance with the provisions of sub-rules (9) to (12) of Rule 11 and in all such cases the Government shall be the disciplinary authority competent to impose any of the penalties specified in Rule 8.

(2) Nothing in sub-rule (1) shall be applicable to Government Servants who are members of the Mysore Judicial Service, Class I.

Explanation.—In this rule, the expressions "Vigilance Commission", "Vigilance Commissioner" and the "Directorate of Vigilance" shall respectively have the meanings assigned to them in the Mysore State Vigilance Commission Rules, 1965."

9. Provision in respect of certain matters.—(1) Anything done or any action taken (including investigations conducted, inquiries made, orders appointing the inquiring officer or authority issued, or proceedings taken) under Rule 14-A of the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, before the commencement of Rule 8 of these rules, shall be deemed to have been done or taken under Rule 14-A of the Mysore Civil Services (Classifi-

cation, Control and Appeal) Rules, 1957, as substituted by the said rule 8, and accordingly, all further investigations, inquiries and proceedings may be continued by the Vigilance Commission, the Vigilance Commissioner, the Head of the Directorate of Vigilance and the Head of the Bureau of Investigation or other officers or authorities of the Vigilance Commission in accordance with the provisions of these rules and Rule 14-A of the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, as substituted by the said Rule 8.

(2) If there be any doubt as to which officer or authority of the Vigilance Commission should deal with any matter under sub-rule (1), the matter shall be referred to the State Government, and the officer or authority specified by the State Government, shall be deemed to be the Officer or authority competent to deal with such matter.

[No. GAD 38 SSR 65.]

By Order and in the name of the Governor of Mysore,

K. S. N. MURTHY, *Deputy Secy.*